

**STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
BOARD MEETING**

**FINAL MINUTES**

**March 27-28, 2018**

**(KEY: MSC = MOTION: MADE, SECOND: CARRIED  
MSF = MOTION: MADE, SECOND: FAILED)**

**THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 8:30 A.M. ON MARCH 27, 2018 IN THE MEETING ROOM AT THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD OFFICE, 1365 N. ORCHARD STREET, ROOM 172, BOISE, IDAHO. MEMBERS BOB BAROWSKY (CHAIRMAN), TOM LONG, LOUISE STARK, GEORGE MCQUISTON, AND WAYNE HUNSUCKER WERE PRESENT. ALSO PRESENT WERE EXECUTIVE DIRECTOR LORI THOMASON, OFFICE SUPERVISOR AMANDA HARPER, BOARD ATTORNEY ROGER HALES, PROSECUTING ATTORNEY MIKE KANE AND EDUCATION AND ENFORCEMENT SUPERVISOR RANDY WADLEY.**

**Service Agreement** – Board member Louise Stark informed the Board members that she had updated the previous Service Agreement for Outfitted Allocated Hunt Services that is found on the IOGLB website and asked the Board for their approval to replace the current form with the one she revised. **MSC (MOTION: LONG, SECOND: MCQUISTON; AYES - HUNSUCKER, BAROWSKY, STARK; NAYES – NONE) TO ACCEPT THE CHANGES TO THE SERVICE AGREEMENT AND POST THE REVISED SERVICE AGREEMENT ONTO THE IOGLB WEBSITE.**

**Brett B. Dayton, Dayton Adventures, LLC – Outfitter Disciplinary Hearing Case No 18-12883-02** – An Outfitter Disciplinary hearing was conducted by the Board's prosecutor Mike Kane. Brett Dayton, the designated agent for Dayton Adventures, LLC, was identified and placed under oath. Mr. Kane explained that Director Thomason, through IOGLB Enforcement investigation, and by board policy, has brought Mr. Dayton before the board due to two separate flagrant Idaho Fish and Game violations/convictions cited in April 2017. Mr. Dayton testified and certain exhibits were introduced into evidence. Mr. Dayton admitted to the IDFG violations and convictions. **MSC (MOTION: MCQUISTON, SECOND: HUNSUCKER; AYES - BAROWSKY, STARK, LONG; NAYES – NONE) TO FIND MR. DAYTON GUILTY OF IDAHO OUTFITTER AND GUIDE STATE LAWS BOARD RULES VIOLATIONS, OF UNPROFESSIONAL AND UNETHICAL CONDUCT CONVICTION OF ANY STATE OR FEDERAL FISH AND GAME OR OUTFITTING AND GUIDING LAWS.**

**MSC (MOTION: STARK, SECOND: MCQUISTON; AYES - BAROWSKY, STARK, MCQUISTON; NAYES – LONG, HUNSUCKER) TO ASSESS A \$500 FINE TO BE PAID PRIOR TO THE END OF THE 2018 LICENSE YEAR BY MR. DAYTON.**

**MSC (MOTION: LONG, SECOND: HUNSUCKER; AYES - BAROWSKY, STARK, MCQUISTON; NAYES – NONE) TO RENEW MR. DAYTON'S 2018 OUTFITTER AND DESIGNATED AGENT LICENSES.**

**Jason R. Rinebold, Bungalow Outfitters, LLC – Outfitter Disciplinary Hearing Case No 18-12688-01** – An Outfitter Disciplinary hearing was conducted by the Board's prosecutor Mike Kane. Jason

Rinebold, the designated agent for Bungalow Outfitters, LLC, was identified and placed under oath. Mr. Kane explained that Director Thomason, through IOGLB Enforcement investigation, and by board policy, has brought Mr. Rinebold before the board due to a Washington Fish and Game violation and two flagrant Oregon Fish Game violations/convictions, both in 2017. Mr. Rinebold testified and certain exhibits were introduced into evidence. Mr. Rinebold admitted to both Washington and Oregon Fish and Game violations and convictions. **MSC (MOTION: HUNSUCKER, SECOND: MCQUISTON; AYES - BAROWSKY, STARK, LONG; NAYES – NONE) TO FIND MR. RINEBOLD GUILTY OF IDAHO OUTFITTER AND GUIDE STATE LAWS, BOARD RULES VIOLATIONS, OF UNPROFESSIONAL AND UNETHICAL CONDUCT CONVICTION OF ANY STATE OR FEDERAL FISH AND GAME OR OUTFITTING AND GUIDING LAWS.**

**MSC (MOTION: HUNSUCKER, SECOND: STARK; AYES - BAROWSKY, STARK, HUNSUCKER; NAYES – LONG, MCQUISTON) TO ASSESS A \$1500 FINE TO BE PAID WITHIN SIX MONTHS BY MR. RINEBOLD AND TWO YEARS RESTRICTED PROBATION TO MR. RINEBOLD AND TO ALLOW MR. RINEBOLD TO RENEW HIS 2018 OUTFITTER AND DESIGNATED AGENT LICENSES.**

**Dennis J. Brookshire, Bitterroot Mountain Outfitters – Outfitter Disciplinary Hearing Case No 17-16964-08** – An Outfitter Disciplinary hearing was conducted by the Board’s prosecutor Mike Kane. Dennis Brookshire, the designated agent for Bitterroot Mountain Outfitters, was identified and placed under oath. Mr. Kane explained that Director Thomason, through IOGLB Enforcement investigation, and by board policy, has brought Mr. Brookshire before the board due to two Idaho Fish and Game violations and convictions cited in July 2017. Mr. Kane called certain witnesses that testified. Mr. Brookshire presented his own testimony, and cross examined the State’s witnesses. **MSC (MOTION: LONG, SECOND: MCQUISTON; AYES - BAROWSKY, STARK, HUNSUCKER; NAYES – NONE) TO FIND MR. BROOKSHIRE GUILTY OF IDAHO OUTFITTER AND GUIDE STATE LAWS AND BOARD RULES VIOLATIONS, OF UNPROFESSIONAL AND UNETHICAL CONDUCT AND CONVICTION OF ANY STATE OR FEDERAL FISH AND GAME OR OUTFITTING AND GUIDING LAWS.**

**MSC (MOTION: LONG, SECOND: HUNSUCKER; AYES - BAROWSKY, STARK, MCQUISTON; NAYES – NONE) TO ASSESS A \$1167 COST RECOVERY FINE TO BE PAID WITHIN SIXTY DAYS BY MR. BROOKSHIRE.**

**Regulatory Reform Joint Subcommittee** – Attorney Mike Kane explained to the Board that there has been an interim committee created involving how various boards, especially licensing boards, are treating the public. Mr. Kane explained that there is a sense that the Boards are being overly regulatory and not licensing readily. He stated that this joint subcommittee has been out for about a year and the public has been able to make comments to this committee. He confirmed that this is an off shoot from Executive Order 2017-06, Licensing Freedom Act signed by Lieutenant Governor Brad Little in May 2017. He said he understands that this committee will be bringing individual Boards before them to explain themselves including what processes they have been utilizing and what comments they have received. Attorney Kane said it would be a great idea to invite the committee members to sit through one of the Board meetings so they can see how this Board conducts its business.

*Prosecuting Attorney Mike Kane excused himself at 11:45 a.m. with all hearings completed.*

*Meeting recessed for lunch at 11:45 a.m. Meeting reconvened at 1:30 p.m. with all listed above present.*

**Edgardo Castro CEO of BES Technologies Inc. - Presentation of Data Base** – CEO Edgardo Castro gave a presentation of a new database system that the Licensing Board is looking at possibly going too. He explained to the Board that this new data-base is completely compatible to Microsoft Office. He also explained that the database is already on a sole source contract with the State of Idaho.

**Dan Butler, Spring Cove Ranch – Discussion on Private Land Use Reports** – Dan Butler, Designated Agent for Spring Cove Ranch, asked the Board to consider exempting or make it optional for private land outfitters to report use on their private land due to the need of the use reports and the 2015 legislative change that exempted private land outfitters to be licensed through the Idaho Outfitters and Guides Licensing Board. **MSC (MOTION: LONG, SECOND: HUNSUCKER; AYES – STARK, BAROWSKY, MCQUISTON; NAYES – NONE) TO REWRITE THE R3 USE FORM TO MAKE IT OPTIONAL FOR PRIVATE LAND OUTFITTERS TO REPORT USE ON THEIR PRIVATE LAND AREAS.**

**IDFG Updates – Brad Compton – Commission Meeting** - Brad Compton with the Idaho Fish and Game reported that at the March 2018 commission meeting that IDFG adopted a number of amendments to the 2017- 2018 Idaho Big Game season that were set last year. **IDFG Units #26 and #27** – Mr. Compton stated the Commission adopted a nonresident cap of 10% in Fish and Game Units #26 and #27 for November Unlimited Controlled Hunts. He stated that in Fish and Game Unit #26 a limit of 59 outfitted allocated tags was set and a limit of 99 outfitted allocated tags was set for Fish and Game Unit #27. **LAP Tags** – Mr. Compton reported the Commission adopted additional LAP tags of 304 deer tags, 143 elk tags, 44 prong horn tags and 2 black bear tags. **Grizzly Bear Hunt** – IDFG Commission directed their staff to develop a grizzly bear hunt proposal for Fall 2018. Mr. Compton said it has not been determined exactly how tags will be distributed or which units this will be for. **Sawtooth Zone** – Mr. Compton stated the Commission in January directed the Department to move the Sawtooth Zone elk hunts to a controlled hunt. At the March meeting, the Commission instructed the Department to develop additional alternatives to the controlled hunt option and scope it with the public. Changes are anticipated to be implemented beginning with the 2019 season. **Species Management Planning** – Brad Compton said there are a number of species management plan revisions to be discussed, with more detail coming out in the near future. He said that the fisheries management plan is currently being revised at the same time the next three-year season framework is being considered. The Mule Deer and White-tailed Deer hunter satisfaction and opinions survey results have just been presented to the IDF&G Commission at their March 2018 meeting. Mr. Compton said the IDFG department has just initiated a White-tailed Deer survey that is currently available on the IDFG website. **IWILD** - Brad Compton informed the Board that Fish and Game has launched a new licensing system. Susan Knappek, IOGLB staff member, did a demonstration on the new IWILD licensing system relative to allocation. Specific IOGLB office staff will have access to this new system in order to update individual outfitter profiles.

**Discussion on Letter to Sawtooth Zone Outfitters/Service Agreement - Louise Stark – Service Agreement** - Board member Louise Stark updated the attendees of the meeting of the rewrite of the service agreement that was approved by the Board at the beginning of today's meeting. **Letter to Sawtooth Zone Outfitters** – Ms. Stark suggested a letter go out to all the hunting Sawtooth Zone Outfitters to remind the Sawtooth Outfitters of the Statutes and Rules involving the potential for fraudulent acquisition of allocated tags and especially of surplus pool tags, which are highly sought after by potential clients and qualifying outfitters. It also serves to alert Sawtooth Outfitters of the necessity to validate historic use of Sawtooth A&B tag numbers as used by clients, in the past 5-years. **MSC (MOTION: STARK, SECOND: HUNSUCKER; AYES – LONG, BAROWSKY, MCQUISTON; NAYES – NONE) TO SEND OUT THE DRAFTED LETTER TO THE NINE SAWTOOTH ZONE OUTFITTERS THAT RECEIVE ALLOCATION**

**Discussion by Susan Knappek – Weiser River Zone Tags** – Office Staff Susan Knappek received a letter from Brian Moses with Idaho Guest Ranch wondering if he could get in on allocation in the Weiser River Zone. Board Attorney Roger Hales stated that Idaho Guest Ranch can go on the waiting list and if the allocated tags are turned into surplus pool tags then Idaho Guest Ranch can get tags. **Sawtooth Zone B Tags** - Ms. Knappek explained that there were two Sawtooth Zone B tags turned back. Sawtooth Valley Outfitters is on the top of the waiting list for those tags and Ms. Knappek asked if they were considered to be qualified to receive these tags. **MSC (MOTION: STARK, SECOND: HUNSUCKER; AYES – LONG, BAROWSKY, MCQUISTON; NAYES – NONE) TO PROVIDE TWO SURPLUS SAWTOOTH B TAGS TO SAWTOOTH VALLEY OUTFITTERS, WHO ARE ON THE WAITING LIST**

**Controlled Hunts in IDFG Units #26 and #27** - Ms. Knappek asked the Board how to divide the new Controlled Deer Hunts in IDFG Units #26 and #27. She stated that they are usually divided up using the factor formula. Board Attorney Roger Hales suggested a decision be deferred until after the second day of this Board meeting and the discussion takes place about the temporary rule.

**Review Recommendation Letter from IOGA Dealing with Allocation** – Darl Allred, representing the IOGA, began the discussion by asking the Board to make a few corrections to the letter submitted to the IOGLB from the President of IOGA dated January 19, 2018. Board Attorney Roger Hales recommended that this discussion be tabled along with the allocation manual as the Board first needs approval of a Temporary Rule and then work through the Negotiated Rule process with input from the Industry. He said that the letter sent from the IOGA was well received, and it will be helpful to the Board as they come up with a process that everyone agrees with or that is straight forward and clear so that people can follow.

*Chairman Barowsky recessed the meeting at 4:15 p.m. until 8:45 a.m. March 28, 2018.*

*Meeting reconvened at 8:45 a.m. with Board Chairman Bob Barowsky, Board Member Tom Long, Board Member Wayne Hunsucker, Board Member Louise Stark, Board Member George McQuiston, Board Attorney Roger Hales, Executive Director Lori Thomason, Education and Enforcement Supervisor Randy Wadley, and Office Supervisor Amanda Harper.*

**MSC (MOTION: HUNSUCKER, SECOND: STARK; AYES – BAROWSKY, LONG, MCQUISTON; NAYES – NONE) TO GO INTO EXECUTIVE SESSION AT 8:45 A.M. TO CONSIDER RECORDS THAT ARE EXEMPT FROM DISCLOSURE AS PROVIDED BY LAW AND TO COMMUNICATE WITH LEGAL COUNSEL TO DISCUSS THE CONTROVERSIES NOT YET BEING LITIGATED BUT ARE IMMINENTLY LIKELY TO BE LITIGATED PURSUANT TO IDAHO CODES 74-206(1)(d), (f).**

**MSC (MOTION: LONG, SECOND: HUNSUCKER; AYES – BAROWSKY, STARK, MCQUISTON; NAYES – NONE) TO COME OUT OF EXECUTIVE SESSION AT 9:15 A.M. WITH NO DECISION MADE.**

**Discussion on Legal Approach and Temporary Rules – Roger Hales** – Board Attorney Roger Hales and Joan Callahan, Attorney with Naylor and Hales Law Firm, reviewed with the Board the draft of a Temporary Rule regarding Allocation. It was proposed that the Board adopt the temporary rule, which is based upon what was reviewed with the Board members, the additional changes that were made to timing, the addition of a standalone section dealing with controlled hunt allocated tags and revision based on the discussion of the definition of “use” as it relates to when outfitters are eligible to pull from the surplus pool. **MSC (MOTION: LONG, SECOND: HUNSUCKER; AYES – BAROWSKY, STARK,**

**MCQUISTON; NAYES – NONE) ADOPT THE TEMPORARY RULE WITH THE CHANGES AS DISCUSSED**

**MSC (MOTION: STARK, SECOND: HUNSUCKER; AYES – BAROWSKY, LONG, MCQUISTON; NAYES – NONE) MOVE INTO A NEGOTIATED RULES PROCESS WITH SUPPORT FROM THE BOARD AND TO FORM A SUBCOMMITTEE.**

**Subcommittee** – A subcommittee was created with Board Chairman Bob Barowsky, Board Member Louise Stark, and Executive Director Lori Thomason for the negotiated rule process.

**Fish and Game Units #26 and #27** – A request was made by the Outfitters who attended the Board meeting and who operate in Fish and Game Units #26 and #27 to come up with an agreement amongst themselves to distribute the new allocated tags. **MSC (MOTION: LONG, SECOND: HUNSUCKER; AYES – BAROWSKY, STARK, MCQUISTON; NAYES – NONE) PROVIDE INDIVIDUAL OUTFITTER INFORMATION AND ALLOW THE OUTFITTERS IN UNITS #26 AND #27 TO STIPULATE AN AGREEMENT OF THE DISTRIBUTION OF THE NEW ALLOCATED CONTROLLED HUNT DEER TAGS IN THOSE FISH AND GAME UNITS WITHIN 2 WEEKS OR THE BOARD WILL INTERVENE.**

**Directors Report – Confirmation Hearings** – Director Lori Thomason informed the Board that Board Chairman Bob Barowsky and Board Member George McQuiston had their confirmation hearings on February 5, 2018. **Letter to Boating Outfitters** – Director Thomason informed the Board that she will be sending out a letter, with the help of Board Attorney Roger Hales, to all boating outfitters that there needs to be clear evidence for the clients to understand where each outfitted trip ends and begins and which outfitter is responsible for the clients during those different trips. Clients have only wanted to pay one outfitter for several different trips, for example a client wants to float the Salmon River and the use another outfitter to Jet Boat back up. Clients have stated they do not want to make two different payments. This can be done either by clarifying in the client contract/agreement as long as the client understands where each outfitter is responsible for their portion of the trip or by separate payments to each outfitter. **Evolution of Allocation** – Director Thomason provided a copy of the breakdown of the evolution of the allocation manual, that the Board requested at the December Board Meeting **Salmon Season Update** – Director Thomason let the Board know that IOGLB is waiting on the letter setting the dates from Idaho Fish and Game for the upcoming salmon season. Once IOGLB knows the dates the authorization letters will be sent out. Also, due to several sales of outfitter businesses during this last year on the SA7A, there will be invitations sent out to qualified outfitters for the SA7A section. **Budget Update** – Director Thomason informed the Board that the 2019 Budget has been approved. Director Thomason talked about the payment plan for the new database and how she plans on paying out of two separate Fiscal Year budgets in order to make the new data management system affordable. She has checked with DFM and as long as we have the money it is ok to pay out of two years. The way the contract would work from BES Technology fits into this payment plan. **CEC RAISES** – Director Thomason informed the Board that the Legislature has approved a 3% merit based raise. Due to personnel cost savings, DFM has allowed up to 5% in the past years. **MSC (MOTION: LONG, SECOND: HUNSUCKER; AYES – BAROWSKY, STARK, MCQUISTON; NAYES – NONE) ALLOW THE COST SAVINGS FOR THE CEC RAISES FOR UP TO 5%.**

**Clearwater Stickers Discussion** – Director Thomason informed the Board that a letter will be going out to clarify to outfitters on the Clearwater that their Clearwater Stickers are based on a calendar year not license year. **Prospectus Discussion Unit #71 & #72** – Director Thomason let the Board know that she received a call from Chuck Patterson with the BLM about 3 separate inquiries from individuals that want to outfit in Fish and Game units #71 and #72. She informed the Board that she had sent a Fish and Game

comment form to Jim Mendi. She asked the Board for direction if a prospectus should be done in those areas. The Board directed Ms. Thomason that once the Fish and Game comment form came in the Board would entertain a review of opening a prospectus in Units #71 and #72. **Bear and Cougar Overlap Update** – Director Thomason informed the Board that there was a conference call on March 16, 2018 dealing with the Bear and Cougar Overlap in the Clearwater, Nez Perce, Bitterroot National Forest. There was a question in that conference call if the overlap agreement should continue being looked at every three years, or if the Board wants to change to a five or ten-year review. The Board directed Ms. Thomason to keep the bear overlap approval on a three-year review. **McCall Ranger District Meeting** – Director Thomason informed the Board that Education and Enforcement Chief Randy Wadley, Office Supervisor Amanda Harper and she attended the McCall Ranger District Meeting. Enforcement Chief Randy Wadley was asked to talk on how to deal with illegal outfitting and what the consequences would be if someone was caught illegally outfitting. Chief Wadley discussed what kinds of information he needs in order to investigate illegal outfitters. **HB 623 Hearing Officer Update** – Ms. Thomason informed the Board that she provided testimony at the first hearings during the interim committee in opposition of House Bill 623. She stated that she provided her talking points to the Governor's office. She informed the Board that House Bill 623 has been held. Board member Louise Stark asked Ms. Thomason to formerly invite one of the presiding committee members to a Board hearing so that they can see how the IOGLB conducts hearings. **Bear and Cougar Overlap on the Salmon Challis Forest** – George McQuiston, asking as a licensed outfitter in the Middle Fork zone, if a Bear, Cougar, Predator overlap could be applied in the Frank Church area. He stated that he has talked with all the outfitters in the area and the majority are in agreeance and would support an overlap agreement policy. The Board said they would look at the policy at the June 2018 Board meeting depending on how far Mr. McQuiston got with collecting all the needed information. **New Opportunities** – Director Thomason informed the Board that she has sent out letters to all the Rangers in reference to the listed areas on the New Opportunities list. She stated that she has received a response from all of them. She said she would continue working with the Rangers while these opportunities are being reviewed. **STODDARD BRIDGE** – Board member Louise Stark updated the Board that funding and plans for reconstruction of the Stoddard Bridge has have been approved and the process is moving forward.

**Office Supervisor's Report –2018 Renewals** – Office Supervisor Amanda Harper reported to the Board that as of March 26, 2018, 357 Outfitters have renewed their outfitter licenses and 31 still need to renew. **Big Wood River** - Mrs. Harper informed the Board that an outfitter that is currently licensed on the Big Wood River would like to add float boating onto their license for that operating area. She asked the Board if there was any historical knowledge as to why none of the five currently licensed outfitters on the Big Wood River are not licensed for boating. The Board informed her that there is no historical knowledge, that it is an appropriate amendment being requested and to go ahead with the amendment process.

**Education/Enforcement Supervisor's Report** – Education and Enforcement Chief Randy Wadley explained the current number of complaints and case investigations so far, this year. **Complaint – Cases and Investigation** – 72 total investigations for 2017 and 10 total investigations for 2018.

Enforcement Chief Wadley asked the Board to accept the fine payment from Nicholas T. Wolf for one undisclosed Fish and Game violation. **MSC (MOTION: LONG, SECOND: MCQUISTON; AYES: STARK, BAROWSKY, HUNSUCKER; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM NICHOLAS T. WOLF.**

Enforcement Chief Wadley asked the Board to accept the fine payment from Michael J. Hurd for one undisclosed U.S. Forest Service violation. **MSC (MOTION: STARK, SECOND: HUNSUCKER;**

**AYES: MCQUISTON, BAROWSKY, LONG; NAYES: - NONE) TO ACCEPT THE \$300 FINE FROM MICHAEL J. HURD.**

Enforcement Chief Wadley asked the Board to accept the fine payment from Bill F. Howell for one undisclosed U.S. Forest Service violation. **MSC (MOTION: LONG, SECOND: HUNSUCKER; AYES: STARK, BAROWSKY, LONG; NAYES: - NONE) TO ACCEPT THE \$300 FINE FROM BILL F. HOWELL.**

**Financial Report – Fee Increase** – Board member Tom Long talked to the Board about the timing and need for a fee increase. The last fee increase was tabled in 2008 by the Legislature. He stated that the office staff has been very frugal and tightened their belts as much as they can. The Board members were in agreement and would like to discuss this fee increase at a future Board meeting. **Financial Report -** The Board reviewed the financial reports for December 2017, January and February 2018. **MSC (MOTION: LONG, SECOND: HUNSUCKER; AYES: MCQUISTON, BAROWSKY, STARK; NAYES: - NONE) TO ACCEPT THE FINANCIAL REPORT AS PRESENTED.**

**Consent Agenda** – The Board reviewed the Consent Agenda. **MSC (MOTION: LONG, SECOND: STARK; AYES: BAROWSKY, MCQUISTON, HUSUCKER; NAYES: - NONE) TO ACCEPT THE CONSENT AGENDA AS PRESENTED.**

The next Board Meeting date has been set for June 7 and 8, 2018.

With no further business to come before the Board, Bob Barowsky adjourned the meeting at 1:00 p.m., Wednesday, March 28, 2018.

  
BOB BAROWSKY, BOARD CHAIRMAN  
6-7-18  
Date

ATTEST:

  
LORI THOMASON, EXECUTIVE DIRECTOR  
6-7-18  
Date